

### REMARKS

The Office Action mailed December 24, 1003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1-20 stand rejected. Claims 1, 12, and 19 are amended.

Submitted herewith is a replacement drawing sheet incorporating changes to Figure 9. Specifically, in Figure 9, the reference numeral 334 is corrected to 324 and the lead line for reference numeral 322 is repositioned. No new matter has been added.

The specification has been amended to correct clerical errors.

The rejection of Claims 1-6, 12-16, and 18-20 under 35 U.S.C. § 102(b) as being anticipated by Akamatsu (U.S. Patent No. 5,429,111) is respectfully traversed.

Akamatsu describes an electronically controlled gas burning apparatus that includes a main cut-off valve (27), a gas conduit (26), and a flow control means (28) at each burner (1) that controls gas flow through a gas pipe (29) to the burner (1). The control means (28) includes a geared motor (70), a relay joint (73) that serves as a switch cam for converting the rotational motion of the geared motor (70) into a linear reciprocating motion via a serration shaft (72) of the geared motor (70), a bearing (74) having a spiral slit formed thereon, a shaft (76) making a linear reciprocating motion and having a pin (75) formed on the lower end thereof to be inserted in the bearing (74) (col. 12, line 66 – col. 13, line 6). Control means (28) further includes a valve including a valve body (80), a needle (82) constituting a valve for controlling flow rate, a valve (81) for introducing and discharging gas, and a needle receiver (84). The shaft (76) moves the valve (81) upward (col. 13, lines 47-48). From figures 4-7, it is apparent that the valve elements are moved vertically to operate the valve.

Claim 1 recites a gas cooking appliance including “at least one gas cooking element; and a gas lockout valve assembly in line with said at least one gas cooking element, said gas

lockout valve assembly comprising a valve and a motor configured to rotate an actuation shaft in said valve to open or close the valve”.

Akamatsu does not describe or suggest a gas cooking appliance that includes at least one gas cooking element and a gas lockout valve assembly in line with the at least one gas cooking element, wherein the gas lockout valve assembly includes a valve and a motor configured to rotate an actuation shaft in the valve to open or close the valve. Moreover, Akamatsu does not describe or suggest a motor configured to rotate an actuation shaft in the valve to open or close the valve. Rather, Akamatsu describes a control assembly wherein the rotational motion of a motor is converted to linear reciprocating motion to linearly operate a valve.

For the reasons set forth above, Claim 1 is submitted to be patentable over Akamatsu.

Claims 2-6 depend from independent Claim 1. When the recitations of Claims 2-6 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-6 likewise are patentable over Akamatsu.

Claim 12 recites a gas range including “a cabinet; a plurality of gas heating elements coupled to said cabinet; a gas manifold within said cabinet and configured to distribute gas to each of said heating elements; and a motorized gas lockout assembly coupled in line with said gas manifold, said motorized gas lockout assembly including a valve having an actuation shaft that is rotatably positionable to permit or deny gas flow to said gas manifold”.

Akamatsu does not describe or suggest a gas range that includes a cabinet, a plurality of gas heating elements coupled to the cabinet, a gas manifold within the cabinet and configured to distribute gas to each of the heating elements, and a motorized gas lockout assembly coupled in line with the gas manifold, the motorized gas lockout assembly including a valve having a shaft that is rotatably positionable to permit or deny gas flow to the gas manifold. Moreover, Akamatsu does not describe or suggest a motorized gas lockout assembly including a valve having an actuation shaft that is rotatably positionable to permit or deny gas flow to the gas manifold. Rather, Akamatsu describes a control assembly

wherein the rotational motion of a motor is converted to linear reciprocating motion to linearly operate a valve.

For the reasons set forth above, Claim 12 is submitted to be patentable over Akamatsu.

Claims 13-16 and 18 depend from independent Claim 12. When the recitations of Claims 13-16 and 18 are considered in combination with the recitations of Claim 12, Applicant submits that dependent Claims 13-16 and 18 likewise are patentable over Akamatsu.

Claim 19 recites a gas range including “a cabinet; a plurality of gas heating elements coupled to said cabinet; a gas manifold within said cabinet and configured to distribute gas to each of said heating elements; and a gas lockout assembly coupled in line with said gas manifold, said gas lockout assembly comprising: a valve; a motor coupled to and in driving relation to said valve, said motor rotating an actuation shaft in said valve to open and close a flow path through said valve to permit or prevent gas flow to said gas manifold; and a cam coupled to said valve and indicating a position of said valve”.

Akamatsu does not describe or suggest a gas range that includes a cabinet, a plurality of gas heating elements coupled to the cabinet, a gas manifold within the cabinet and configured to distribute gas to each of the heating elements, and a gas lockout assembly coupled in line with the gas manifold, and wherein the gas lockout assembly includes a valve; a motor coupled to and in driving relation to the valve, the motor rotating an actuation shaft in the valve to open and close a flow path through the valve to permit or prevent gas flow to the gas manifold, and a cam coupled to the valve and indicating a position of the valve. Moreover, Akamatsu does not describe or suggest a motor rotating an actuation shaft in a valve to open and close a flow path through the valve. Rather, Akamatsu describes a control assembly wherein the rotational motion of a motor is converted to linear reciprocating motion to linearly operate a valve.

For the reasons set forth above, Claim 19 is submitted to be patentable over Akamatsu.

Claim 20 depends from independent Claim 19. When the recitations of Claim 20 are considered in combination with the recitations of Claim 19, Applicant submits that dependent Claim 20 likewise is patentable over Akamatsu.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-6, 12-16, and 18-20 be withdrawn.

The rejection of Claims 7-11 and 17 under 35 U.S.C. § 103 as being unpatentable over Akamatsu (U.S. Patent No. 5,429,111) is respectfully traversed.

Akamatsu is described above.

Applicant respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Akamatsu by adding components to Akamatsu without some suggestion, or motivation to do so, even though the components may be commonly known in the art. Though the motivation to combine may be found in the knowledge generally available to one of ordinary skill in the art, such motivation has not been shown. Rather, the present Section 103 rejection appears to be based on a combination of teachings from Akamatsu and elements of which Official Notice can be taken in an attempt to arrive at the claimed invention. Specifically, Akamatsu is cited for a motor driven control for a burner in a gas cooking apparatus. The motor driven control in Akamatsu provided in lieu of conventional control knobs to control gas flow during cooking. The addition of control knobs to the Akamatsu apparatus serves no purpose, but rather represents the addition of a redundant feature. By contrast, the present invention claims a motorized gas lockout valve in combination with a control knob at each burner. The addition of control knobs to Akamatsu constitutes the building up of redundant features that add no value or functionality, but rather add only increased material cost and assembly time. This cannot support a prima facie case of obviousness.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. *Ex parte Levensgood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). Rather, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). In the present case, neither a suggestion or motivation to make the combination suggested in the Office Action has been shown.

Claim 7 recites, a gas fired cooktop including "at least one gas burner; at least one control knob associated with said at least one burner; and a motorized gas lockout valve coupled to said at least one gas burner and establishing a gas supply connection thereto, said valve positionable in a gas lockout position, thereby rendering said control knob ineffective to operate said burner".

Akamatsu does not describe or suggest a gas fired cooktop that includes at least one gas burner, at least one control knob associated with the at least one burner, and a motorized gas lockout valve coupled to the at least one gas burner and establishing a gas supply connection thereto, the valve positionable in a gas lockout position, thereby rendering the control knob ineffective to operate the burner. Moreover, Akamatsu does not describe or suggest a control knob associated with a burner that is rendered ineffective by a lockout valve. Rather, Akamatsu describes a gas burning apparatus that uses a flow rate control means (28) including a motor, pressure sensor, and thermocouple, with electronic circuits and sensors **at each burner** to control gas flow to the burner (see col. 11, line 45 – col. 12, line 34, and Figures 4-7).

For the reasons set forth above, Claim 7 is submitted to be patentable over Akamatsu.

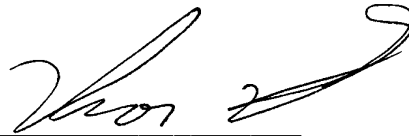
Claims 8-11 depend from independent Claim 7. When the recitations of Claims 8-11 are considered in combination with the recitations of Claim 7, Applicant submits that dependent Claims 8-11 likewise are patentable over Akamatsu.

With regard to Claim 17: Claim 17 depends from Claim 12 which is submitted to be patentable over Akamatsu as indicated above. When the recitations of Claim 17 are considered in combination with the recitations of Claim 12, Applicant submits that dependent Claim 17 likewise is patentable over Akamatsu.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 7-11 and 17 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Thomas M. Fisher  
Registration No. 47,564  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070